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June 17, 2008

VIA CM/ECF AND HAND DELIVERY

The Honorable Joseph J. Farnan, Jr.
United States District Court for the District of Delaware
Lockbox 18
844 N. King Street
Wilmington, Delaware 19801

Re: **RLI Insurance Company v. Indian River School District, et al**
Civil Action No. 1:05-cv-00858-JJF

Along with James S. Green, Sr. of Seitz, Van Ogtrop & Green, P.A., I represent defendant and counterclaim plaintiff Indian River School District in this action. I am writing to the Court in compliance with the Court's June 3, 2008 Order, which directed the parties to advise the Court of any outstanding issues that remain in light of the Court's Memorandum Opinion and Order granting each defendant's motion for summary judgment.

In light of the Court's Memorandum Opinion and Order, the only claim remaining to be tried is IRS'D's counterclaim against RLI seeking damages under the performance bond and applicable law arising from the bond principal's breach of contract. The "surety" defenses raised by RLI to that claim – including overpayment, impairment of collateral and compliance with the procedural requirements of the bond and contract for declaring a default – have each been resolved by the Court in IRS'D's favor. Remaining for trial are the determination of the extent of the bond principal's breach of its contract with IRS'D and the amount of damages due IRS'D from RLI under the performance bond and applicable law as the result of that breach.

Three motions also remain to be determined: (1) IRS'D's motion to preclude the trial testimony of Damien Cassin; (2) RLI's Motion for Reargument on the summary judgment motion; and (3) RLI's motion for Christian McCone's Deposition. The Court also cancelled the pretrial conference that had been scheduled for June 5, 2008.

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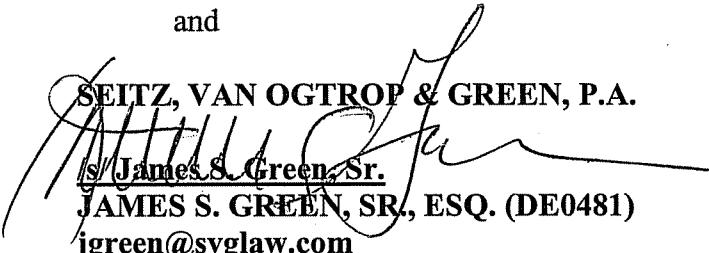
If Your Honor has any questions, please do not hesitate to contact us. Thank you.

Respectfully yours,

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and

SEITZ, VAN OGTROP & GREEN, P.A.


s/ James S. Green, Sr.
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Counsel of Record (via CM/ECF)